



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 5655-99

13 March 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 30 October 1972 at the age of 17. Your record reflects that you served for nearly a year without incident. However, during the period from 18 October 1973 to 12 February 1974 you received nonjudicial punishment (NJP) on five occasions for 18 days of unauthorized absence (UA), dereliction in the performance of your duties, absence from your appointed place of duty, and disobedience. Shortly thereafter, on 24 April 1974, you were convicted by special court-martial (SPCM) of six days of UA, two incidents of disrespect, assault, and disobedience. You were sentenced to confinement at hard labor for 60 days, reduction to paygrade E-1, and forfeitures of pay.

Subsequently, you were processed for an administrative separation by reason of unsuitability. On 27 June 1974 you were issued a general discharge under honorable conditions.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. At the time of discharge your conduct

average was 2.9. However, an average of 3.0 was required for a fully honorable discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that you would like your discharge upgraded to fully honorable. The Board further considered your contention that you were told that your discharge would be automatically upgraded six months after your discharge. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequent misconduct and since your conduct average was insufficiently high to warrant a fully honorable discharge. In this regard, no discharge is upgraded simply due to the passage of time. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director